

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
KHANH PHAN,	)	
Plaintiff,	)	
	)	Civil Action No.
v.	)	18-cv-12636-NMG
	)	
JAXX INC.,	)	
Defendant.	)	
_____	)	

ORDER

GORTON, J.

For the reasons stated below, the Court will order that this action be dismissed without prejudice.

Pro se litigant Khanh Phan has filed a civil complaint (Docket No. 1) in which he alleges that, through the fault of the defendant, he lost \$20,000 plus interest due to an unsuccessful wire transfer. In a Memorandum and Order dated April 5, 2019 (Docket No. 5), Magistrate Judge Kelley directed Phan to pay the filing fee or seek leave to proceed in forma pauperis. She also directed him to show cause why the action should not be dismissed for lack of subject matter jurisdiction. Judge Kelley warned Phan that failure to comply with the order within thirty-five days could result in dismissal of the action.

In an Order dated May 13, 2019 (Docket No. 7), Judge Kelley addressed Phan's request for counsel and extended the deadline for resolving the filing fee and responding to the show cause

order to May 28, 2019. Judge Kelley again warned Phan that failure to meet this deadline could result in dismissal of the action without prejudice.

On May 23, 2019, Phan filed a motion for leave to proceed in forma pauperis (Docket No. 8). He has not, however, responded to the Court's order to show cause why this action should not be dismissed for lack of subject matter jurisdiction.

Upon review of the complaint, the Court finds that this action is subject to dismissal for lack of subject matter jurisdiction. The Court does not discern a claim arising under federal law, and the amount in controversy does not exceed \$75,000. See 28 U.S.C. §§ 1331, 1332.

In accordance with the foregoing, the Court hereby orders that this action be DISMISSED without prejudice for lack of subject matter jurisdiction. The motion for leave to proceed in forma pauperis shall be terminated as moot.

**So ordered.**

/s/ Nathaniel M. Gorton  
Nathaniel M. Gorton  
United States District Judge

Dated: 6/12/19